

Commissioner for Patents
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IN THE DRAWINGS

Please amend FIG. 8B as indicated

SUMMARY OF THE INVETERIWEV

Following receipt of the Detailed Action, Applicant's counsel had a telephonic interview with the Examiner on August 18, 2006. Applicant requested the basis for the Examiner's position that claim 21 did not read on the elected specie, Fig. 3. The Examiner indicated that claim 21 reads on FIG. 5. Applicant responded that the fact that a claim reads on an a non-elected specie is not the question. Rather the question was whether the claim also reads on the elected specie. In the present case, Claim 21 reads on FIG. 3.

The Examiner indicated that he was unclear where FIG. 3 showed an arm, as an arm is not expressly discussed with respect to FIG. 3. Applicant noted that the application refers to U-shaped structures on several occasions as having arms and that one of ordinary skill in the art would appreciate that a U-shaped mounting bracket includes arms. Furthermore, Applicant noted that there is no requirement to discuss every structure with respect to every drawing of an invention. Doing so would result in applications which could be hundreds of pages long for even simple mechanical inventions. Furthermore, claim 22, specifically identifies the arm as being a part of the mounting bracket - which is shown in FIG. 3.

The Examiner also indicated that he could not see how the arm was "connected to" the facing strip. Applicant noted that the mounting bracket, of which the arm is a portion, is bolted to the facing strip, and is thus "connected to" the facing strip. The Examiner then raised the Ethicon case for the assertion that "connected to" means

“directly connected to”. Applicant’s counsel questioned the applicability of the decision to the use in the pending claims, and further indicated that the arm was a portion of the mounting bracket and was thus directly connected to the facing strip.

RESPONSE

In response to the Detailed Action, Applicant respectfully submits that claim 23 reads on FIG. 3. Applicant notes that several times in the application the word arm is used to refer to a portion of a U-shaped structure. 51-52, 67. The American Heritage Dictionary’s definition of “arm” includes “A part similar to a human arm, such as the forelimb of an animal or a long part projecting from a central support in a machine.” See Dictionary.com. Likewise, Merriam-Webster Online includes as a definition of arm “a slender part of a structure, machine, or an instrument projecting from a main part, axis or fulcrum.” Applicant submits that one of ordinary skill in the art will appreciate that the mounting bracket in FIG. 3 includes arms which extend away from the facing strip.

With respect to “connected to”, Applicant submits that connected to means be attached in some manner. The American Heritage Dictionary’s definition of connect includes “to join or fasten together”. As shown in FIG. 3, bolts are used to attach the mounting bracket to the facing strip. Thus, one of ordinary skill in the art would appreciate that FIG. 3 shows an arm connected to the facing strip.

Finally, the Examiner’s reference to the Ethicon decision is of marginal

relevance. The Examiner has failed to identify the basis on which the Court gave the interpretation it did. Many terms may be interpreted differently depending on how the terms are used in the specification. For example, a loop means something far different in electronics than in a mechanical invention involving a cable.

Thus, Applicant submits that one of ordinary skill in the art would find that claim 21 reads on FIG. 3 based on the teachings of the specification. Furthermore, Applicant objects to the exclusion of claim 21, to the extent that the Examiner is applying a very narrow interpretation of the claims relative to the restriction, while at the same time the Examiner is applying a broad interpretation of the claims for the purposes of patentability.

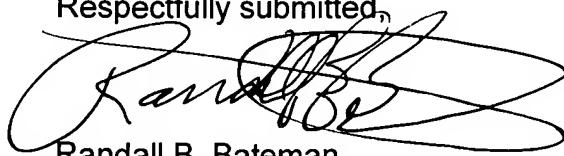
Applicant has further amended the Specification to correct a typographical error regarding numbering, and has amended FIG. 8B to include reference 462a.

Should the Examiner believe that there are any additional outstanding issues, it is requested that he call Applicant's counsel so that such matters may be resolved without the delays of written correspondence.

The Commissioner is hereby authorized to charge any amount owing or credit any overpayment to Account No. 502720.

DATED this 23rd day of August 2006.

Respectfully submitted,



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ANNOTATED SHEET

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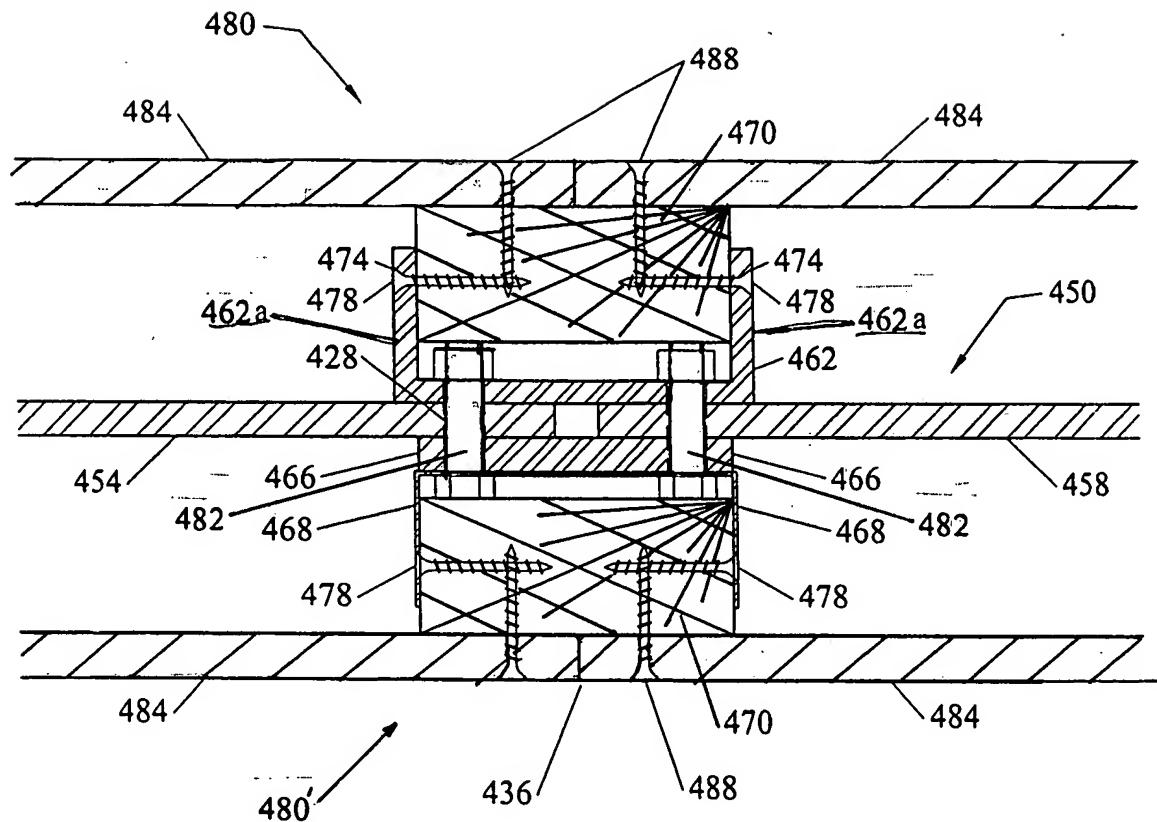


Figure 8b